

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF OHIO  
WESTERN DIVISION AT DAYTON**

RACHIL J. STAPLETON,	:	
	:	
Plaintiff,	:	Case No. 3:07CV0192
	:	
vs.	:	District Judge Walter Herbert Rice
	:	Magistrate Judge Sharon L. Ovington
MICHAEL J. ASTRUE,	:	
Commissioner of the Social	:	
Security Administration,	:	
	:	
Defendant.	:	

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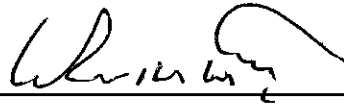
**DECISION AND ENTRY ADOPTING REPORT AND RECOMMENDATIONS  
FILED ON AUGUST 5, 2008 (Doc. #10); VACATING THE COMMISSIONER'S  
FINAL DECISION THAT PLAINTIFF WAS NOT UNDER A "DISABILITY"  
WITHIN THE MEANING OF THE SOCIAL SECURITY ACT; MAKING NO  
FINDING REGARDING WHETHER PLAINTIFF IS UNDER A "DISABILITY"  
DURING THE PERIOD OF TIME AT ISSUE; REMANDING THE CASE TO THE  
COMMISSIONER OF THE SOCIAL SECURITY ADMINISTRATION UNDER  
SENTENCE FOUR OF 42 U.S.C. §405(g); AND TERMINATING THE CASE ON  
THE DOCKET OF THIS COURT**

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The Court has conducted a de novo review of the Report and Recommendations of United States Magistrate Judge Sharon L. Ovington (Doc. #10), to whom this case was originally referred pursuant to 28 U.S.C. §636(b), and noting that no objections have been filed thereto and that the time for filing such objections under Fed. R. Civ. P. 72(b) has expired, hereby **ADOPTS** said Report and Recommendations.

It is therefore **ORDERED** that:

1. The Report and Recommendations filed on August 5, 2008 (Doc. #10) is ADOPTED in full;
2. The Commissioner's non-disability finding is VACATED;
3. No finding is made whether Plaintiff is under a "disability" within the meaning of the Social Security Act during the period of time at issue;
4. The case is remanded to the Commissioner under Sentence Four of 42 U.S.C. §405(g) for further proceedings consistent with this Decision and Entry and with the Report and Recommendations; and
5. The case is terminated on the docket of this Court.



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Walter Herbert Rice  
United States District Judge